F.No.A32011/03/2015-Ad.IIIA
Government of India
Ministry of Finance
Department of Revenue

4th Floor, Hudco Vishala Building
Bhikaji Cama Place, R. K. Puram
New Delhi, the 18th December, 2020

To

All Cadre Controlling Authorities
under Central Board of Indirect Taxes & Customs


Sir,

Please refer to Board’s letter of even number dated 13th November, 2020 (copy enclosed) on the captioned subject.

2. It was directed vide the aforesaid letter to convene a DPC/Review DPC and furnish a report to Board. The requisite report has not been received from any CCA so far.

3. Accordingly, it is once again requested to take appropriate follow up action and furnish a report to the Board at the earliest.

This issues with the approval of Competent Authority.

Yours faithfully,

(Ranjan Kumar Jha)
Deputy Secretary to the Govt. of India
Tel.No.26162780

Copy to:

1. Web master for uploading on official website of CBIC.
2. Pr. Commissioners of CGST, Delhi Zone
F.No.A.32011/03/2015-Ad. III A
Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes & Customs

4th Floor, HUDCO Vishala Building
Bhikaji Cama Place, R.K.Puram
New Delhi, dated 13th November, 2020

To

All Cadre Controlling Authorities
Under Central Board of Indirect Taxes & Customs


Sir,

Please refer to Board’s D.O.letter No.A.-12018/01/2012-Ad.IIIB dated 1st October, 2020 on the captioned subject.

2. It is directed, as under, on the applicability of Recruitment Rules (RRs) for promotion of EA cadre:-

(a) The post of STA/DOS were in existence prior to 18.12.2013, i.e. upto 17.12.2013. Any pre-cadre vacancy i.e., vacancies arising out of the grade of STA and DOS upto 17.12.2013 were to be filled by the RRs in force on the date on which vacancy arose, i.e., RR of 2003 for STA and RRs of 2009 for DOS.

(b) Post Cadre restructuring i.e. from 18/12/2013 and up to the date of notification of RR of EA i.e. 28/09/2015 (intervening period between date of issue of Cadre restructuring order and date of notification of RRs of EA 2015), the cadre restructuring order provides that DoPT’s guidelines on RRs dated 31.12.2010 be used for filling up redesignated posts. Thus, DoPT guidelines on RRs are to be operated for convening DPC/Review DPC for all vacancies arising between 18.12.2013 to 27.09.2015. Attention is drawn specifically to Para 3.1.3 of DoPT guidelines on ‘protection clause’ in this regard. The provision in cadre restructuring order mentioned above read together with para 3.1.3 of DoPT guidelines implies that those in leader cadre on 18.12.2013 can be promoted as EAs as per qualifying service of old RRs.
(c) Post notification of RR for the Grade of EA 2015 i.e. from 28.09.2015, any vacancy in the grade of EA would be filled as per the provisions of RRs of EA notified on 28/09/2015.

3. It is thus clear that irrespective of date of holding DPC, all vacancies in EA cadre that arose prior to notification of RRs of EA 2015 (i.e. upto 27.09.2015) can be filled up as per qualifying service of RRs of STA 2003/DOS 2009. Any promotions in vacancies on or after the date of cadre restructuring (18.12.2013) but up to 27.09.2015 should be to the post of 'EA' only and should refer to DoPT guidelines of 2010 (and not old RRs). CCAs who did not follow this procedure may convene review DPCs to use correct terminology as indicated above. CCAs who have not carried out any promotions for vacancies during 18.12.2013 to 27.09.2015 may convene fresh DPCs to consider eligible persons in feeder cadre for promotion to EA quoting DoPT guidelines of 2010, especially para 3.1.3 thereof.

4. Accordingly, all CCAs are requested to take appropriate follow up action as per the elaborations indicated in paras 2 & 3 above and submit an Action Taken Report to the Board in compliance of the above directions. CCAs must also take adequate care to ensure that no action based on above clarifications should result in action contradictory to any Court Order/Stay Order. If there are any court cases pending on the issue, advice of Government Counsel may be taken, if required.

This issues with the approval of Competent Authority.

Yours faithfully,

Nirbhai Singh
(Nirbhai Singh)
Under Secretary to the Government of India
Tele: 26162780

Copy to:

1. Web master, for uploading on official website of CBIC.
2. Pr. Commissioners of CGST, Delhi Zone
Dear Madam,


2. I would like to further elaborate the applicability of RRs for promotion to EA cadre:

(i) Prior to 18/12/2013 i.e. up to 17/12/2013 the post of STA/DOS were in existence and any pre-cadre vacancy i.e. vacancies which arose in the grade of STA and DOS up to 17/12/2013 were to be filled by the RRs in force on the date on which vacancy arised i.e. RR of 2013 for STA and RR of 2009 for DOS.

(ii) Post Cadre restructuring i.e. from 18/12/2013 and up to the date of notification of RR of EA i.e. 28/09/2015 (intervening period between date of issue of Cadre restructuring order and date of notification of RR of EA 2015), cadre restructuring order provides that DoPT’s guidelines on RR dated 31/12/2010 be used for filling up redesignated Posts. Thus DoPT guidelines on RRs are to be operated for convening DPC/Review DPC for all vacancies arising between 18.12.2013 and 27.09.2015. Attention is drawn specifically to Para 3.1.3 of DoPT guidelines on ‘protection clause’ in this regard. The Provision in cadre restructuring order mentioned above, read together with Para 3.1.3 of DoPT guideline, implies that those in feeder cadre on 18.12.13 can be promoted as EAs as per Qualifying Service of old RRs.

(iii) Post notification of RR for the Grade of EA 2015 i.e. from 28.09.2015 onwards, any vacancy in the grade of EA would be filled as per the provisions of RRs of EA notified on 28.09.2015.
3. The intention, in asking your organisation to examine this issue of uniform application of Para 3.1.3 of DoPT guidelines by all CCAs, is to have an impact analysis, before issuing suitable clarification to the CCAs.

4. It would be appreciated if this matter is examined at the earliest, duly keeping the key elements of data that would be required for the impact analysis.

5. The officers dealing with this matter can approach me for any clarification needed.

With regards,

Yours Sincerely,

[Signature]

(Himabindu Mudumbai)

Ms. Neeta Lal Bhutalia
DG, HRD,

Bhai Veer Singh Sahitya Saham,

Gole Market, New Delhi-110001